IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 23513 of 2004

Between:

V. Chakrapani, S/o V. Chandrasekhar Rao,

Hindu, R/o 325,Kabra Complex, M.G. Road,

Secunderabad - 500 003.

..... PETITIONER

AND

1 The Union of India, rep. by its Secretary (Banking Division),
Department of Economic Affairs, Ministry of Finance and

Company Affairs, New Delhi.
2 The Registrar, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.
3 The Recovery Officer, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, one in the nature of Writ of Mandamus, declaring the clause 6 (2) Sl.No. 5 of Notification GSR No. (44) E dt. 21-1-2003 issued by the Ministry of Finance and Company Affairs, New Delhi, ie., 1st respondent herein as arbitrary, illegal and prohibitory and violative of Art. 14 of the Constitution of India.

For the Petitioner: MR. K. Satyanarayana, Advocate.

For Respondent No.1: MR. A. Rajashekar Reddy (Standing Counsel for Central Government)

The Court made the following :

ORDER: (per Sri B. Sudershan Reddy, J)

It is stated by the learned counsel for the petitioner that pursuant to the directions of this Court, the petitioner had already filed an appeal before the Debts Recovery Tribunal and the same is pending consideration. It is also stated that the respondent – Bank had already filed its appearance in the matter.

In the circumstances, no further directions as such are required to be issued by this Court, except to direct the Tribunal to dispose of the appeal on merits in accordance with law. It shall be open to the Tribunal to pass such appropriate interim order as it may consider just and proper in the circumstances, if any interlocutory application is filed by the petitioner.

The Writ Petition is accordingly disposed of. The order passed by this Court staying the further proceedings in R.P No. 136 of 2002 is accordingly vacated.

(B. Sudershan Reddy, J)

09-03-2005

(C.V. Ramulu, J)

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To

1 The Secretary (Banking Division),
Department of Economic Affairs, Ministry of Finance and

Company Affairs, the Union of India, New Delhi.
2 The Registrar, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.
3 The Recovery Officer, Debts Recovery Tribunal,
Triveni Complex, Abids, Hyderabad.

4 Two CD copies.